

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRUSTEES OF THE MASON TENDERS :
DISTRICT COUNCIL WELFARE FUND, :
et. al., :
:

Plaintiffs, :

- against - :

METRO DEMOLITION CONTRACTING CORP. :
PHANTOM DEMOLITION CORP., WORLD :
CLASS DEMOLITION CORP., VINCENT :
BORDONE AND MAURIZIO BORDONE, :
:

Defendants. :
-----X

VICTOR MARRERO, United States District Judge.

USDS SD.
DOCUME
ELECTRO
DOC #:
DATE FILE

FILED

7-10-08

07 Civ. 3608 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated July 10, 2008, a copy of which is attached, that the parties have reached a provisional agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within forty-five (45) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the

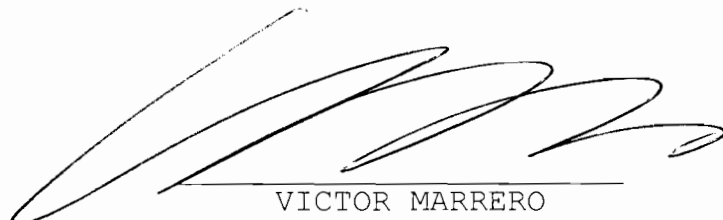
Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
10 July 2008



VICTOR MARRERO
U.S.D.J.

PROSKAUER ROSE LLP

1505 Broadway
New York, NY 10036-8294
Telephone 212.969.3000
Fax 212.969.2900

ROCKAWAY
BOSTON
CHICAGO
DENVER
LOS ANGELES
NEW ORLEANS
NEWARK
PARIS
SAN FRANCISCO
WASHINGTON

Sally L. Schneider
Attorney at Law

Direct Dial 212.969.3803
sschneider@proskauer.com

By Fax (212) 805-6382

July 10, 2008

Hon. Victor Marrero, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 660
New York, New York 10007

Re: Trustees of the Mason Tenders District Council Welfare Fund,
et al. v. Metro Demolition Contracting Corp., *et al.*
07 Civ. 3608 (VM)

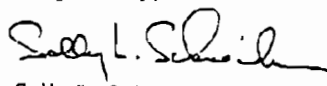
Dear Judge Marrero:

This letter is submitted on behalf of plaintiffs and defendants World Class Demolition Corporation and Maurizio Bordonc to inform the Court of the status of the settlement offer made by those defendants at the June 13, 2008 conference before Your Honor.

Defendants' offer, which includes providing certain security with respect to defendants' settlement payment obligations, has been tentatively accepted by plaintiffs provided that defendants obtain appropriate documentation from third parties to verify the proposed security. Defendants are currently in the process of getting that documentation and have advised that they anticipate providing it to plaintiffs within the next thirty (30) days. Upon receipt, and assuming the documentation is satisfactory, the parties will then be able to prepare a stipulation and order of settlement to execute and submit to the Court.

Accordingly, the parties respectfully request that the Court grant them additional time to attempt to resolve this matter amicably and permit the parties to submit a further status letter to the Court on or before August 25, 2008.

Respectfully,


Sally L. Schneider

PROSKAUER ROSE LLP

Hon. Victor Marrero, U.S.D.J.
United States District Court
Southern District of New York
July 10, 2008
Page 2

cc: Mark L. Hankin, Esq. (by Fax (212) 227-7317)
Hankin, Handwerker & Mazel, PLLC
Attorneys for Defendants World Class and M. Bordone